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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,399	12/28/2000	Judith C. Espejo	20009.0005USU1 (BS00-129)	5268
45695 7590 08/21/2007 WITHERS & KEYS FOR BELL SOUTH P. O. BOX 71355 MARIETTA, GA 30007-1355			EXAMINER BEAMER, TEMICA M	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 08/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/749,399

Applicant(s)

ESPEJO ET AL.

Examiner

Temica M. Beamer

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-9,12,13 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-9,12,13 and 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 4, 6-9, 12 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

2. Applicant is advised that should claim 15 be found allowable, claim 25 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 15, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hitchings, U.S. Patent No. 6,594,484.

Regarding claims 1 and 16, Hitchings discloses a peripheral device in communication with a mobile switching system, the mobile switching system capable of communicating with at least one wireless device (inherent to cellular systems; figures 1, 4 and 5), an IVR application on the peripheral device comprising a menu driven system adapted to receive information from a customer (col. 1, lines 18-42; col. 13, lines 7-14), wherein the menu driven system interacts with the customer to ask the customer a number of previous transactions to be played backed to the customer (col. 1, lines 18-42, col. 13, lines 7-14).

Regarding claims 4 and 18, Hitchings discloses the interactive voice response system wherein the menu driven system includes security provisions that permit customers to only access information related to their own personal accounts (col. 1, lines 25-38).

Regarding claim 15, Hitchings discloses the interactive voice response system according to claim 1, wherein the system recites the previous transactions back to the customer (col. 1, lines 25-38).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 6-9, 12, 13, 17, 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchings in view of well-known prior art.

Regarding claims 2, 6, 7, 17, 19 and 20, Hitchings discloses the voice response system as described above and further discloses wherein the peripheral device plays voice messages and communicates with the MSC through a voice path (col. 1, lines 18-38). Hitchings, however, fails to disclose wherein the peripheral device includes at least one of an IP and an SCP, wherein the menu driven system resides on the SCP and communicates with at least one of the mobile switching system using IN TCAP messaging and an Intelligent Peripheral using TCP/IP, wherein the menu driven system resides on the SCP and communicates with at least one of the mobile switching system using IN TCAP messaging and an Intelligent Peripheral using IN TCAP messaging over CSS7 Network.

The examiner contends, however, that these components/networks are very well known in the art and the examiner takes official notice as such.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Hitchings with the teachings of well-known art since such components/networks are widely used as part of the cellular communication infrastructure and such implementation would be based system design preference.

Regarding claims 8, 12, 21 and 23, Hitchings discloses the interactive voice response system as described above. Hitchings, however, fails to disclose wherein the transaction is a call or replenishment.

Hitchings does, however, disclose wherein menu selections allow a user to select a particular mode of operation for the system and the particular voice menu information service to access (col. 13, lines 11-14).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Hitchings with transactions such as a call and replenishment since it is well-known in the art that such transactions are well known in the art.

Regarding claims 9, 13, 22 and 24, Hitchings discloses the interactive voice response system as described above. Hitchings, however, fails to disclose reciting the cost of the call, a time the call was made, duration of the call, an amount of replenishment and a time of the replenishment.

The examiner contends, however, that such recitations are well-known in the art and the examiner takes official notice as such.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Hitchings with the teachings of well-known prior art since such teachings are well-known and widely used in the cellular environment for allowing a user to keep with the amount of money that has been spent on calls and how long calls have lasted.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571)

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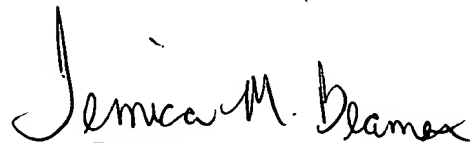
272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Temica M. Beamer
Primary Examiner
Art Unit 2617

tmb


TEMICA BEAMER
PRIMARY EXAMINER